

5.3 CULTURAL RESOURCES

The following cultural resources analysis is based on the *Archaeological Survey* for the Ponto Beachfront Village site, prepared by Brian F. Smith and Associates (BFSA) in July 2006. The technical report and additional survey results are included in Appendix D-1 of this EIR. A *Cultural Resource Constraints Study* of the Ponto Area was previously prepared by RECON in June 2003, and was reviewed by BFSA prior to preparation of the July 2006 analysis; refer to Appendix D-2.

5.3.1 Existing Conditions

5.3.1.1 Project Setting

Cultural Setting

The cultures identified in the general vicinity of the Ponto Area consist of the possible Paleo-Indian manifestation of the San Dieguito Complex, the Encinitas Tradition and Milling Stone Horizon represented by the La Jolla Complex, and the Late Prehistoric Luiseno culture. A brief discussion of the cultural elements in the Ponto Area is provided in Appendix D-1 of this EIR.

Paleontological Setting

The Ponto Area is considered to be largely disturbed; however, paleontological resource maps prepared by the San Diego Museum of Natural History indicate that the proposed site is in an area (Del Mar Formation) that may contain fossil remains. Project grading will require the movement of soils onsite as development of the Ponto Area occurs over time. As such, paleontological resources that may exist on-site below surface level, may potentially be disturbed by future development.

In addition, the region surrounding the Ponto Area may also contain important fossil remains; however, much of the land that surrounds the property is developed, with exception of the Batiquitos Lagoon to the south and the Pacific Ocean to the west. Surrounding land uses are largely residential, and as such, much of the area surrounding the project has been previously disturbed.

Environmental Setting

San Diego County lies within the Peninsular Range Geologic Province of southern California. The mountainous zone, which extends from northwest to southeast through the County, ranges from sea level to a maximum elevation of approximately 6,533 feet above mean sea level (amsl). The closest mountains within this range are the San Marcos Mountains, which are the locations of lithic material sources that were likely procured by occupants of the region for use in tool manufacture.

The Ponto Area has been previously disturbed by former agricultural activities and various improvements and developments, including construction of the San Diego Northern Railroad, light-industrial structures, residential structures, drainage channels, and roadways. The plant community on-site is dominated by disturbed grasses and herbaceous annuals.

5.3.1.2 Investigation Methodology

Records Search Results

An archaeological records search was conducted for the project by the SCIC and at SDSU on April 27, 2006. In addition to providing site locations and previous archaeological investigations, the following historic sources were consulted:

- Historic Address Database;
- 1948 USGS Encinitas, California topographical map (1:24,000);
- 1898 and 1942 USGS Oceanside, California topographic maps (1:62,500); and,
- Map Showing Roads and Trails in Use from 1769-1885: San Diego County, California (1955).

The archaeological records search showed that two known sites, SDI-11,206 and SDI-17,403, are located within the 50-acre area to be developed; however, it was determined that SDI-17,403 refers to the same site as SDI-11,206. SCIC files indicate that both sites were situated in the same location and are associated with an older Museum of Man site number designation, W-84.

Site SDI-11,026 includes W-84 and W-88, both of which were subjected to a data recovery program in 1985, exhausting further research (Smith and Moriarty 1985a). Therefore, no further archaeological analysis of the site is required. For the current project, only W-84 lies within the boundary of the area proposed for development. The site was determined to be an Early Holocene/Middle Holocene transition site associated with the Early Archaic cultural horizon. Artifacts recovered included lithic production waste, precision tools, ground stone tools, and percussion tools. Ecofacts recovered included marine shell. Excavations of the site revealed that the site had been disturbed by agricultural activities and the construction of the railroad line.

Sixteen cultural sites were identified within a one-mile radius of the site. The majority of these sites represent the prehistoric occupation of the Batiquitos Lagoon area, which typically includes shell scatters reflecting the heavy utilization of local marine resources. Historically, the area has been agricultural in nature.

Previous research in the Batiquitos Lagoon area has included 46 archaeological studies within a one-mile radius of the Ponto Area. The most recent survey to include the Ponto Area was the survey conducted by RECON in 2003, during which Site SDI-11,026 was relocated and testing was recommended to determine the significance of the site.

Survey Results

A pedestrian survey of the 50-acre Ponto Area was conducted by BFSa on June 12, 2006. The majority of the Ponto Area was easily accessible and contained poor to excellent visibility, depending on the degree of development and vegetation cover. As noted above, the site has been previously disturbed by former agricultural and railroad construction activities. The survey area included the small cluster of single-family homes and commercial businesses, some of which were known to be historic in nature. Although access to the interior of several of these ownerships was denied by the corresponding landowners,

structures within these properties were visible. As the site has been previously disturbed, the survey was focused on investigating the significance of the architecture or integrity of possible historic structures and any prehistoric resources identified on the property. The survey determined that none of the on-site structures were of historic significance.

In addition, the previously-identified site, SDI-11,206, was relocated during the site investigation. The site was observed as a light to moderate marine shell scatter. No other ecofacts or artifacts were observed, as artifacts were likely collected during previous investigations, and the site has previously been disturbed.

Native American Consultation

A records search request of the Native American Heritage Commission (NAHC) Sacred Land Files was conducted for cultural resources within or adjacent to the Ponto Area. Review of the NAHC did not identify any known resources within the project boundaries. A list was provided by the BAHC identifying additional Native American contacts that may have additional information on cultural resources within the Ponto Area. A map and additional information on the proposed project were forwarded to each Native American contact on the list; the Cupa Cultural Center of the Pala Band of Mission Indians provided the only response, stating that they were unaware of any resources within the Ponto Area. Correspondence with the NAHC is provided in Appendix III of Appendix D-1.

5.3.2 Thresholds for Determining Significance

The following thresholds of significance were taken from Appendix G of the CEQA Guidelines. For purposes of this EIR, a significant impact relating to cultural or paleontological resources would occur if the proposed project would:

- Cause a substantial adverse change in the significance of a historical resource as identified in Section 15064.5 of the CEQA Guidelines;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines;
- Disturb any human remains, including those interred outside of formal cemeteries;
- Cause direct or indirect impacts to significant on-site paleontological resources as identified by a paleontological monitor; or,
- Result in grading, clearing, and/or construction that results in damage to or loss of significant paleontological resources that contribute to the local or regional cultural environment.

City of Carlsbad Cultural Resource Guidelines

According to the City of Carlsbad Cultural Resource Guidelines, a cultural resource is considered significant when it:

- Exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history;
- Is identified with persons or events significant in local, state, or national history;

- Embodies distinctive characteristics of a style, type, period, or method of construction, is a valuable example of the use of indigenous materials or craftsmanship, or is representative of a notable work of an acclaimed builder, designer, or architect;
- Is an archaeological, palenontological, botanical, geographical, topographical, ecological, or geographical site which has the potential of yielding information of scientific value; or,
- Is a geographically definable area possessing concentration of sites, buildings, structures, improvements, or objects linked historically through location, design, setting, materials, workmanship, feeling, and/or association, in which the collective value of the improvements may be greater than the value of each individual improvement.

5.3.3 Environmental Impact

5.3.3.1 Historical Resources

The 2006 site investigation determined that none of the structures located within the Ponto Area, including those within the inaccessible parcels, were significant. Therefore, no additional historic research or evaluation is recommended for the proposed project. As development of the Ponto Area would not cause a substantial adverse change in the significance of a historical resource as identified in Section 15064.5 of the CEQA Guidelines, potential impacts to historic resources would be less than significant.

5.3.3.2 Archaeological Resources

As noted previously, the 2006 site survey resulted in the relocation of Site SDI-11,026. Site 11,026 is an Archaic Period campsite located along the southern edge of the Ponto Area. The site was observed as a light to moderate marine shell scatter. During the 2003 survey conducted by RECON, the site was rediscovered and testing was recommended to determine significance. Based on these studies, the research potential of the site has been exhausted and is therefore not considered to be significant based on the significance thresholds. However, because only a portion of the site was excavated, it is possible that significant subsurface features or deposits are still present. No other ecofacts or artifacts were observed, and no prehistoric resources were identified within the area proposed for development.

Impact CR-1 Although the current investigation did not identify any significant resources within the Ponto Area, the presence of a previously mitigated site, the results of the archaeological records search, and known historical use of the Carlsbad area indicate that there is a high potential for buried cultural deposits. Due to the presence of prehistoric resources within the Ponto Area and the high density of known archaeological sites within the Batiquitos Lagoon area, there exists a strong possibility of encountering subsurface features or deposits during grading or construction activities. In addition, as the site is within close proximity of archaeological sites with burial contexts, the potential to disturb additional prehistoric burials exists.

Therefore, impacts may occur during the grading and construction phases on undiscovered archaeological resources. As the project may result in disturbance to human remains, which

includes those interred outside of formal cemeteries, potential impacts would be considered significant and mitigation would be required. It is feasible that intact deposits, features, or human remains may be discovered during grading or construction activities and would require identification and evaluation of any such resources.

In addition, the Vision Plan includes the realignment of Carlsbad Boulevard adjacent to the west of the proposed development area. Similar to potential on-site impacts, required grading and construction activities associated with realignment of the roadway may also result in disturbance to undiscovered archaeological resources or human remains. This would be considered a significant impact and mitigation would be required.

5.3.3.3 Paleontological Resources

Short Term Impacts

On-site

Impact CR-2 With development of the Ponto Area, the site would be permanently modified. Implementation of the Vision Plan would involve grading for building pads and installation of utilities on-site. Project construction would disrupt soils across the property and would include operation of construction equipment, storage of construction debris, and truck traffic. Impacts to significant paleontological resources identified on-site during project grading or construction would be considered significant. However, construction impacts would be short-term and would cease upon project completion. As much of the site has been previously disturbed, the potential for significant artifacts to be uncovered if surface collection were to occur is considered to be low.

However, significant paleontological resources may be uncovered at a greater depth as grading occurs onsite. Impacts to such resources from project grading would be considered significant if such resources were uncovered during grading activities and prevention of damage to or loss of such resources was not undertaken at the time of encounter. Mitigation is therefore proposed to prevent potential impacts to such resources, should they be uncovered during development of the property.

Off-site

Off-site activity resulting from project implementation would largely be limited to improvements required to improve Carlsbad Boulevard and for utility improvements. Potential project-related impacts to off-site paleontological resources are considered less than significant, particularly since no such resources have been identified to date in areas that would be affected by development of the project. As such, project-related disturbance to off-site areas from proposed improvements is not anticipated to result in significant impacts to paleontological resources. However, mitigation is proposed to prevent potential impacts to such resources, should they be uncovered during project development.

Long-Term Impacts

No significant long-term impacts to paleontological resources resulting from project implementation are anticipated. Potential impacts to such resources will be controlled during short-term grading activities on-site to ensure that significant resources are identified and

protected as necessary. Soil disruption on-site would cease upon completion of project grading. Therefore, no long-term significant impacts to cultural resources will result from the project implementation.

5.3.4 Mitigation Measures

5.3.4.1 Historical Resources

No significant impacts to historical resources were identified. Therefore, no mitigation measures are proposed.

5.3.4.2 Archaeological Resources

Development of the Ponto Area could potentially result in significant impacts to undiscovered archaeological resources during the grading and construction phases. To reduce impacts to less than significant, the following mitigation measure is proposed:

Data Recovery Program

CR-1 Prior to issuance of any Grading Permits or approval of improvement plans, the applicant shall:

- A. Implement a Data Recovery Program, in compliance with the City of Carlsbad's Cultural Resource Guidelines Criteria and Methodology, to mitigate potential impacts to undiscovered buried archaeological or paleontological resources on properties located within the Ponto Area to the satisfaction of the Planning Director. This program shall include, but shall not be limited to, the following actions:
 - 1. Provide evidence to the Planning Department that a qualified archaeologist and/or archaeological monitor has been contracted to implement a grading, trenching, brushing monitoring and data recovery program to the satisfaction of the Planning Director. A copy of the contract as well as a letter from the applicant and the archaeologist and/or archaeological monitor shall be submitted to the Planning Director. The contract shall include the following guidelines:
 - a. The consulting archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program.
 - b. The consulting archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
 - c. The consulting archaeologist shall monitor all areas identified for development.
 - d. An adequate number of monitors (archaeological/historical/paleontological/ Native American) shall be present to ensure that all earth-moving activities are observed and shall be on-site during all grading activities.
 - e. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor shall be on-site full-time to perform full-time monitoring as determined by the Principle Investigator of the excavations. The frequency of inspections will depend on

the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features.

- f. Isolated and clearly non-significant deposits will be minimally documented in the field and the monitored grading can proceed.
- g. In the event that previously unidentified, potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist shall contact the City at the time of discovery. The archaeologist, in consultation with the City, shall determine the significance of the discovered resources. The City must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the City, then carried out using professional archaeological methods.
- h. If any human bones are discovered, the Principle Investigator shall contact the City Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.
- i. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s)/Principle Investigator shall determine the amount of material to be recovered for an adequate sample for analysis.
- j. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program and all previous archaeological studies shall be processed and curated according to current professional repository standards. The collections and associated records shall be transferred, including release of title, to be permanently curated at a qualified repository as defined by the "State of California Guidelines for the Curation of Archaeological Collections." The affected landowner shall agree to pay such fees as required for curation that are in effect for the selected repository at the time of curation. Evidence must be provided to the satisfaction of the Planning Director and that all fees have been paid. All curation activities shall be completed within six months of project completion.
- k. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Planning Director prior to the issuance of any building permits.

1. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Planning Director by the consulting archaeologist that the grading monitoring activities have been completed.

5.3.4.3 Paleontological Resources

Although no paleontological resources have been identified for the project to date, the following measures are proposed to mitigate potential impacts to such resources to a level that is less than significant:

Short Term

CR-2 Prior to issuance of grading permits and approval of improvement plans pursuant to approval of any map, the applicant shall retain a qualified paleontologist to monitor the site during grading. The applicant shall provide evidence to the satisfaction of the Planning Director of contracting with a paleontologist through a letter prepared by the paleontologist that states he/she has been retained by the applicant. The paleontologist shall attend all pre-grading meetings to consult with grading contractors.

A paleontological monitor shall be present on-site during all grading operations to evaluate the presence of fossils. The paleontologist shall have the authority to direct, divert, or halt any grading activity until such time that the sensitivity of the resource can be determined and the appropriate mitigation implemented.

Prior to approval of the Final Map, the applicant shall furnish documentary evidence to the satisfaction of the Planning Director that prepared fossils, along with copies of field notes, photos, and maps, have been deposited in a scientific institution, such as the San Diego Natural History Museum.

Long Term

No mitigation measures are proposed for potential long-term impacts to paleontological resources. As stated, potential impacts to such resources are short-term and will cease upon completion of project grading. Mitigation proposed for short-term impacts will ensure that such resources, if identified on-site during grading, will be identified and preserved for the long-term. Therefore, no mitigation measures are proposed, and long-term impacts to such resources are considered to be less than significant.

5.3.5 Impact After Mitigation

The proposed project could potentially result in a significant impact which would result from impacts to undiscovered archaeological resources potentially associated with SDI-11,026 and other areas within the proposed development area, based on the known presence of prehistoric resources within the project boundaries and the high density of known archaeological sites in the Batiquitos Lagoon area. Potential impacts to cultural resources would be reduced to less than significant because, prior to the issuance of any grading permits, a data recovery program for cultural resources would be implemented for construction areas. Qualified archaeological and paleontological monitors would be required to be present on-site during grading activities. The monitors would be responsible for identifying, testing and the proper curation of any sensitive cultural or paleontological

resources discovered during the grading process. Implementation of Mitigation Measures CR-1 and CR-2 would reduce potential impacts to unknown significant archaeological or paleontological resources to less than significant.

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